

(195 ^D) Department

Ms. SERIES.

G.O. No. 2810

GOVERNMENT OF MADRAS.
ABSTRACT.

Village Officers - Enquiry into misconduct - Procedure -
Rule 8 of Rules framed under Section 20 of Act III of 1895 and
1894 - Amendment - Draft - Approved.

REVENUE DEPARTMENT.

G.O.Ms.No.2810.

Dated 28th October 1950.
Read the following:

From the Board of Revenue, Ref.A.No.1853/50-2,
dated 3.5.50.

.....

O R D E R:

The draft of the amendment to rule 8 of the rules framed under section 20 of Madras Act III of 1895 and to rule 11(i) of the Rules framed under section 32 of Madras Act II of 1894, submitted by the Board of Revenue with its reference read above, is approved subject to certain verbal or minor alterations. A copy of the draft as amended is annexed to this order. In the case of the rules framed under section 32 of Act II of 1894, the amended rule should be numbered as rule 11 and sub rules (ii) and (iii) of the existing rule 11 should be renumbered as

p.t.o.

rules 12 and 13 respectively. The Board is requested to take steps to issue the amendments after due publication.

(BY ORDER ETC.,)

(Sd.) x x x
Secretary to Government

To
The Board of Revenue (Land Revenue)

/True Copy/.

R. Nagarajan
1986

SUPERINTENDENT.

Madras Record Office, Madras

N N E X U R E.

28/8

Draft as approved, of the amendment to rule 8 of the rules framed under section 20 of Act III of 1895 and to rule 11(i) of the rules framed under Section 32 of Act II of 1894.

Contd.....p.3.

REVENUE DEPARTMENT.

"8 (1). Enquiry under sections 7 and 8 of Act III of 1895:

11 (1) Enquiry under Section 16 of Act II of 1894 shall be made in the manner laid down below, except in trivial cases such as fines.

(2) The grounds on which it is proposed to take action against a village officer shall be reduced to the form of a definite charge or charges which shall be communicated to him; and he shall be required to appear on a day to be fixed, before the revenue officer or proprietor to answer the charge or charges. On that day, the village officer shall be required to put in a written statement of his defence and to state whether he desires an oral enquiry. An oral enquiry shall be held, if such an enquiry is desired by the village officer. At that enquiry, oral evidence shall be heard as to such of the allegations as are not admitted by the persons charged and he shall be entitled to cross-examine the witnesses, to give evidence in person and to have such witnesses as he may wish called, provided that the officer conducting the enquiry, may, for reasons to be recorded in writing, refuse to call a witness. Documentary evidence shall be properly proved. After the enquiry has been completed, the person charged shall be entitled to put in a further written statement of his defence. If the charges are admitted, or no oral enquiry is desired, the revenue officer or proprietor may dispose of the charges on merits.

(3) If a further enquiry is to be conducted, the revenue officer or proprietor shall arrive at a provisional conclusion in regard to the punishment it is proposed to impose and the village officer shall be called upon to appear on a certain day to be fixed by him to show cause against the particular punishment proposed to be imposed. On that day, the revenue officer or proprietor shall record his plea and shall ask him to state if he wants to resummon and to re-examine any of the witnesses in his presence. If the village officer charged desires that any of the prosecution witnesses or defence witnesses should be re-examined or any new witness should be examined, they should be examined and the revenue officer or proprietor shall do so in the presence of the village officer, ~~or proprietor shall do so in the presence of the village~~ who shall be allowed to cross-examine the prosecution witnesses. The revenue officer or proprietor may refuse to call a witness for reason to be recorded in writing.

(4) An enquiry may be made in the absence of the village officer charged, when the revenue officer or proprietor holding the enquiry is satisfied, for reasons to be recorded, that the village officer has intentionally or contumaciously absented himself from the enquiry or that he is incapable, by reason of illness, from attending the enquiry within a reasonable time from the date of the order directing him to appear and answer the charges, or where it is, for other reasons, impracticable to communicate with him.

(5) An enquiry under section 7(1) of Act III of 1895:

The enquiry under section 16(2) of Act II of 1894 may also be conducted by an officer not below the rank of a Tahsildar, or a Deputy Tahsildar, in independent charge. If the enquiring officer is below the rank of a Revenue Divisional Officer, he shall conduct

preliminary enquiry as provided in sub-rule (2) above and submit the records to the Revenue Divisional Officer or Collector, as the case may be, with a report containing his findings. The Revenue Divisional Officer or Collector, after considering the report, may pass orders deopping the charges or may conduct further enquiry as in sub-rule (3) above."